

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. WILLIAM C. GRIESBACH, presiding.

DATE: October 27, 2014 - November 3, 2014

CASE NO. 13-CR-135

UNITED STATES v. JASON D. SCHULTZ,
JESSICA M. GILBERT, and JESSICA HENSEN

PROCEEDING: JURY TRIAL

Deputy Clerk: Cheryl

Court Reporter: John Schindhelm

Time Called: 9:11 a.m. 10/27/2014

Time Concluded: 4:52 p.m. 11/03/2014

UNITED STATES by: Daniel R. Humble and Matthew L. Jacobs

DEFENDANT: Steven G. Richards for Jason D. Schultz, John Birdsall for Jessica M. Gilbert, and
Leonard Kachinsky for Jessica Hensen, n/k/a Jessica Weinhart

Court welcomes jury.

Jury panel sworn.

The Court informs the jury panel of the nature of case, charge and jury selection process.

9:18 a.m. - Voir dire.

10:07 a.m. - Court excuses potential jurors.

10:29 a.m. - Court recesses.

10:44 a.m. - Court resumes.

10:45 a.m. - Parties take strikes.

10:45 a.m. - The Court gives preliminary jury instructions.

11:03 a.m. - The Court excuses extra potential jurors.

11:33 a.m. - Jury selected.

11:38 a.m. - Jury excused.

11:38 a.m. - Judge addresses motion in limine regarding prior convictions.

11:40 a.m. - Judge and parties discuss opening statements.

11:41 a.m. - Government informs the Court and parties that two agents will be seated at counsel table.

11:42 a.m. - Attorney John Birdsall objects.

11:42 a.m. - The Court informs the government that one agent at the table is the rule.

11:43 a.m. - Attorney Richards objects to the monitor on the witness stand.

11:44 a.m. - The government will move the monitor.

11:44 a.m. - Court recesses.

12:49 p.m. - Court resumes.

12:51 p.m. - Jury present.

12:51 p.m. - Jury sworn.

12:52 p.m. - Government's opening statement by AUSA Daniel Humble.

1:18 p.m. - Defendant Jason Schultz opening argument by Attorney Steven Richards.
1:38 p.m. - Defendant Jessica Gilbert opening argument by Attorney John Birdsall.
1:55 p.m. - Side bar.
2:00 p.m. - Defendant Jessica Hensen opening argument by Attorney Leonard Kachinsky.
2:10 p.m. - Court recesses.
2:22 p.m. - Court resumes.
2:22 p.m. - Jury present.
2:22 p.m. - Government calls **Clara Pryor**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
2:42 p.m. - Cross-examination by Steven Richards.
2:45 p.m. - Cross-examination by John Birdsall.
2:47 p.m. - Cross-examination by Leonard Kachinsky.
2:47 p.m. - Witness excused.
2:49 p.m. - Government calls **Glenn Varney**. Witness sworn and testifies. Direct-examination by AUSA Daniel Humble.
3:02 p.m. - Cross-examination by Steven Richards.
3:07 p.m. - Cross-examination by John Birdsall.
3:09 p.m. - Cross-examination by Leonard Kachinsky.
3:11 p.m. - Witness excused.
3:13 p.m. - Government calls **Eileen Goltz**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
4:39 p.m. - Cross-examination by Steven Richards.
4:45 p.m. - Cross-examination by John Birdsall.
4:54 p.m. - Cross-examination by Leonard Kachinsky.
5:08 p.m. - Re-direct examination by AUSA Jacobs.
5:10 p.m. - Witness excused.
5:10 p.m. - Jury excused.
5:12 p.m. - Attorney Birdsall presents argument regarding expert testimony.
5:14 p.m. - AUSA Jacobs presents argument regarding Ashley Conant/expert testimony.
5:15 p.m. - Attorney Birdsall responds.
5:18 p.m. - Court recesses for the day.

Day 2 October 28, 2014

9:02 a.m. - Jury trial resumes.
9:03 a.m. - Jury present.
9:04 a.m. - Government calls **Helen Franz**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
9:20 a.m. - Cross-examination by John Birdsall.
9:20 a.m. - Witness excused.
9:21 a.m. - Government calls **Cassondra Kratz-Hogan**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
9:54 a.m. - Cross-examination by Steven Richards.
10:00 a.m. - Cross-examination by John Birdsall.
10:07 a.m. - Re-direct examination by AUSA Jacobs.
10:09 a.m. - Witness excused.
10:09 a.m. - Government calls **Tina Baalman**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
10:32 a.m. - Court recesses.
10:44 a.m. - Court resumes.
10:44 a.m. - AUSA Jacobs presents argument regarding prior convictions.
10:48 a.m. - The parties agree on what shall be disclosed regarding prior convictions.
10:49 a.m. - Jury present.
10:50 a.m. - Direct-examination continued by AUSA Jacobs.

10:56 a.m. - Cross-examination by Steven Richards.
11:04 a.m. - Cross-examination by John Birdsall.
11:11 a.m. - Side bar.
11:18 a.m. - Cross-examination by Leonard Kachinsky.
11:24 a.m. - Redirect-examination by AUSA Jacobs.
11:26 a.m. - Witness excused.
11:27 a.m. - Government calls **Karen Wyatt**. Witness sworn and testifies. Direct-examination by AUSA Humble.
11:37 a.m. - Side bar.
11:38 a.m. - Cross-examination by Steven Richards.
11:39 a.m. - Cross-examination by Leonard Kachinsky.
11:42 a.m. - Witness excused.
11:43 a.m. - Government calls **George Brancefield**. Witness sworn and testified. Direct-examination by AUSA Jacobs.
12:27 p.m. - Court recesses.
1:32 p.m. - Court resumes.
1:33 p.m. - Jury present.
1:32 p.m. - Cross-examination by Steven Richards.
1:33 p.m. - Cross-examination by John Birdsall.
1:43 p.m. - Cross-examination by Leonard Kachinsky.
1:51 p.m. - Redirect-examination by AUSA Jacobs.
1:52 p.m. - Witness excused.
1:54 p.m. - Government calls **Tami Fields**. Witness sworn and testifies. Direct-examination by AUSA Humble.
2:05 p.m. - Cross-examination by John Birdsall.
2:05 p.m. - Cross-examination by Leonard Kachinsky.
2:17 p.m. - Witness excused.
2:17 p.m. - Government calls **Charles Belekevich**. Witness sworn and testifies. Direct-examination by AUSA Humble.
2:34 p.m. - Cross-examination by Leonard Kachinsky.
2:43 p.m. - Witness excused.
2:44 p.m. - Government calls **Beverly Ausfahl**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
3:05 p.m. - Cross-examination by Leonard Kachinsky.
3:05 p.m. - Redirect-examination by AUSA Jacobs.
3:06 p.m. - Court recesses.
3:21 p.m. - Court resumes.
3:22 p.m. - Government calls **Claire Berger**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
3:37 p.m. - Cross-examination by Leonard Kachinsky.
3:39 p.m. - Government calls **Barbara Landis**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
3:59 p.m. - Witness excused.
3:59 p.m. - Government calls **Bernard Beamsley**. Witness sworn and testifies. Direct-examination by AUSA Humble.
4:10 p.m. - Cross-examination by Steven Richards.
4:10 p.m. - Cross-examination by Leonard Kachinsky.
4:11 p.m. - Witness excused.
4:11 p.m. - Government calls **Marlis Gladis**. Witness sworn and testifies. Direct-examination by AUSA Humble.
4:19 p.m. - Witness excused.
4:20 p.m. - Government calls **Derik Thieme, Special Agent, U.S. Postal Inspection Service**. Witness sworn

and testifies. Direct-examination by AUSA Jacobs.

4:58 p.m. - Jury excused.

5:00 p.m. - Court recesses for the day.

Day 3 October 29, 2014

9:00 a.m. - Jury trial resumes.

9:01 a.m. - Jury present.

9:02 a.m. - Direct-examination of Derik Thieme continued by AUSA Jacobs.

10:31 a.m. - Jury excused.

10:32 a.m. - The Court addresses tardiness of Jason Schultz.

Mr. Schultz addresses the Court. Mr. Richards addresses the Court.

Mr. Schultz to provide his address to the clerk. The Marshals will be sent to pick him up if he is not on time.

Mr. Schultz is instructed to arrive 30 minutes ahead of the scheduled start time.

10:32 a.m.- Court recesses.

10:46 a.m. - Court resumes

10:47 a.m. - Jury present.

10:47 a.m. - Direct-examination of Derik Thieme continued.

11:16 a.m. - Cross-examination by Steven Richards.

11:25 a.m. - Cross-examination by John Birdsall.

11:37 a.m. - Side bar.

11:38 a.m. - Cross-examination by John Birdsall continued.

11:59 a.m.- Court recesses.

1:00 p.m. - Court resumes.

1:00 p.m. - Jury present.

1:00 p.m. - Cross-examination by John Birdsall continued.

1:00 p.m. - Attorney Birdsall moves for admittance of exhibit 1043.

The Court defers ruling.

1:01 p.m. - Cross-examination by Leonard Kachinsky.

1:24 p.m. - Redirect-examination by AUSA Jacobs.

128 p.m. - Recross-examination by John Birdsall.

1:30 p.m. - Witness excused.

1:31 p.m. - Government calls **Derek Steffen**, U.S. Attorney's Office. Witness sworn and testifies. Direct-examination by AUSA Jacobs.

Exhibit 102 Multimedia file played.

Exhibit 105 Multimedia file played.

(Specific Exhibit number not stated) Multimedia file played.

Exhibit 116 Multimedia file played.

Exhibit 128 Multimedia file played.

2:02 p.m.- Cross-examination by Steven Richards.

2:02 p.m. - Witness excused.

2:02 p.m. - Court recesses.

2:18 p.m. - Court resumes.

2:19 p.m. - Government calls **Ashley Conant**. Witness sworn and testifies. Direct-examination by AUSA Humble.

(Specific exhibit number not stated) Multimedia file played.

3:50 p.m. - Cross-examination by Steven Richards.

4:04 p.m. - Cross-examination by John Birdsall.

4:24 p.m. - Cross-examination by Leonard Kachinsky.

4:52 p.m. - Redirect-examination by AUSA Humble.

5:00 p.m. - Recross-examination by Steven Richards

5:01 p.m. - Recross-examination by John Birdsall.
5:02 p.m. - Witness excused.
5:03 p.m. - Jury excused.
5:05 p.m. - Attorney Birdsall states that there is an agreement with government regarding Conant issue.
5:06 p.m. - Court recesses for the day.

Day 4 October 30, 2014

8:54 a.m. - Jury trial resumes.
8:56 a.m. - Jury present.
8:57 a.m. - Government calls **Dorothy Adkins**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
9:09 a.m. - Cross-examination by John Birdsall.
9:15 a.m. - Redirect-examination by AUSA Jacobs.
9:16 a.m. - Recross-examination by John Birdsall
9:17 a.m. - Witness excused.
9:17 a.m. - Government calls **Rita Mary Green**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
9:43 a.m. - Cross-examination by Steven Richards.
9:47 a.m. - Cross-examination by John Birdsall.
9:56 a.m. - Cross-examination by Leonard Kachinsky.
10:05 a.m. - Witness excused.
10:06 a.m. - Jury excused.
10:06 a.m. - Court recesses.
10:19 a.m. - Court resumes.
10:20 a.m. - Jury present.
10:20 a.m. - Government calls **Daniel Spears**. Witness sworn and testifies. Direct-examination by AUSA Humble.
10:53 a.m. - Side bar.
10:54 a.m. - Multimedia file played.
10:59 a.m. - Cross-examination by John Birdsall.
11:26 a.m. - Side bar.
12:00 p.m. - Side bar.
12:01 p.m. - Jury excused.
12:01 p.m. - Court recesses.
1:00 p.m. - Court resumes.
1:01 p.m. - Jury present.
1:01 p.m. - Cross-examination by John Birdsall continued.
1:24 p.m. - Side bar.
1:30 p.m. - Recross-examination by AUSA Humble.
1:30 p.m. - Witness excused.
1:31 p.m. - Government calls **Kenneth Spears**. Witness sworn and testifies. Direct-examination by AUSA Humble.
1:51 p.m. - Cross-examination by John Birdsall.
2:15 p.m. - Redirect-examination by AUSA Humble.
2:18 p.m. - Recross-examination by John Birdsall.
2:20 p.m. - Witness excused.
2:21 p.m. - Government calls **Richard Smith**. Witness sworn and testifies. Direct-examination by AUSA Humble.
2:29 p.m. - Cross-examination by John Birdsall.
2:31 p.m. - Cross-examination by Leonard Kachinsky.

2:32 p.m. - Witness excused.
2:35 p.m. - Court recesses.
2:47 p.m. - Court resumes.
2:48 p.m. - Jury present.
2:48 p.m. - The government calls **James Christensen**. Witness sworn and testifies. Direct-examination by AUSA Jacobs.
3:09 p.m. - Cross-examination by Steven Richards.
3:11 p.m. - Cross-examination by John Birdsall.
3:13 p.m. - Redirect-examination by AUSA Jacobs.
3:13 p.m. - Witness excused.
3:15 p.m.- John Birdsall on behalf of defendant Jessica Gilbert calls **Tracy Coenen**. Witness sworn and testifies. Direct-examination by John Birdsall.
3:27 p.m. - Cross-examination by AUSA Jacobs.
3:34 p.m. - Redirect-examination by John Birdsall.
3:38 p.m. - Recross-examination by AUSA Jacobs.
3:40 p.m. - Witness excused.
3:41 p.m. - Government calls **Ronald Hammen, Special Agent, FBI**. Witness sworn and testifies. Direct-examination by AUSA Humble.
4:52 p.m. - Side bar.
4:52 p.m. - The Court discusses the status of the trial with the jury. The jury is advised that the trial is running behind schedule. The jurors confirm that they are all available on Monday if it is necessary to continue the trial into Monday.
4:56 p.m. - Jury excused.
4:59 p.m. - Court recesses for the day.

Day 5 October 31, 2014

8:55 a.m.- Jury trial resumes.
8:56 a.m.- Jury present.
8:56 a.m. - Cross-examination of Agent Hammen by Steven Richards.
9:21 a.m. - Cross-examination by John Birdsall.
10:14 a.m. - Side bar.
10:16 a.m. - Jury excused.
10:17 a.m. - The Court, AUSA Jacobs and Mr. Birdsall discuss relevant questioning regarding prosecutorial discretion.
10:23 a.m. - Court recesses.
10:32 a.m. - Court resumes.
10:32 a.m. - Jury present.
10:32 a.m. - Cross-examination by Leonard Kachinsky.
10:35 a.m. - Redirect-examination by AUSA Humble.
10:43 a.m. - Recross-examination by Steven Richards.
10:45 a.m. - Judge asks the jury to disregard his earlier ruling from Agent Hammen's testimony (that in his view the others were responsible as well). The Court informs the jury that it is a question for them to decide and they can decide on the basis of the evidence.
10:45 a.m. - Witness excused.
10:46 a.m. - The government rests its case.
10:47 a.m. - Steven Richards calls witness/defendant **Jason Schultz**. Witness/defendant sworn and testifies. Direct-examination by Steven Richards.
12:23 p.m. - Jury excused.
12:23 p.m. - Court recesses for lunch.
1:04 p.m. - Court resumes.

1:04 p.m. - Jury present.
1:04 p.m. - Cross-examination by AUSA Jacobs.
2:15 p.m. - Redirect-examination by Steven Richards.
2:17 p.m. - Cross-examination by Leonard Kachinsky.
2:18 p.m. - Witness excused.
2:18 p.m. - John Birdsall on behalf of Jessica Gilbert calls **Dale Williams, WI Probation Agent**. Witness sworn and testifies. Direct-examination by John Birdsall.
2:51 p.m. - Side bar.
2:51 p.m. - Jury excused.
2:51 p.m. - Court addresses relevance of testimony of this witness.
2:51 p.m. - John Birdsall responds.
2:53 p.m. - AUSA Humble replies.
2:56 p.m. - Witness excused. The Court finds the testimony is not relevant.
2:56 p.m. - Court recesses.
3:08 p.m. - Court resumes.
3:09 p.m. - John Birdsall calls witness/defendant **Jessica Gilbert**. Witness/defendant sworn and testifies. Direct-examination by John Birdsall.
4:07 p.m. - Cross-examination by AUSA Humble.
4:46 p.m. - Redirect-examination by John Birdsall.
4:49 p.m. - Witness excused.
4:49 p.m. - Side bar.
4:50 p.m. - Jury excused.
4:53 p.m. - John Birdsall moves for the admission of exhibits 1016 and 1043.
4:53 p.m. - AUSA Jacobs objects to the admission of 1043 the grand jury transcript.
4:53 p.m. - The Court comments.
4:54 p.m. - Steven Richards and Leonard Kachinsky object to the admission of 1043.
4:55 p.m. - AUSA Jacobs objects to the admission of 1016.
4:55 p.m. - The Court rules that 1016 and 1043 will not be admitted.
5:00 p.m. - Leonard Kachinsky presents issue regarding Jessica Hensen's neighbor that is watching the trial.
5:00 p.m. - The Court asks that Mr. Kachinsky remind him on Monday.
5:00 p.m. - Court recesses for the day.

Day 6, November 3, 2014

8:40 a.m. - Jury trial resumes.
8:40 a.m. - Jury present.
8:45 a.m. - Leonard Kachinsky calls witness/defendant **Jessica Hensen(Weinhart.)** Witness/defendant sworn and testifies. Direct-examination by Leonard Kachinsky.
9:09 a.m. - Cross-examination by AUSA Jacobs.
9:21 a.m. - Multimedia file played.
10:03 a.m. - Redirect-examination by Leonard Kachinsky.
10:04 a.m. - Witness excused.
10:05 a.m. - Defendant Hensen(Weinhart) rests its case.
10:05 a.m. - Jury excused.
10:07 a.m. - The Court and parties discuss the verdict form and jury instructions.
10:10 a.m. - Steven Richards requests an additional instruction and John Birdsall requests an additional instruction. The Court denies the requests.
10:15 a.m. - Court recesses.
10:31 a.m. - Court resumes.
10:32 a.m. - Jury present.
10:32 a.m. - The Court reads the initial jury instructions to the jury.

10:51 a.m. - Side bar.
10:52 a.m. - Government's closing argument presented by AUSA Jacobs.
11:43 a.m. - Multimedia file played.
11:45 a.m. - Multimedia file played.
12:05 p.m. - Jury excused.
12:06 p.m. - Side bar put on the record.
12:07 p.m. - Court recesses.
12:41 p.m. - Court resumes.
12:42 p.m. - Jury present.
12:42 p.m. - Defendant Jason Schultz closing argument presented by Steven Richards.
1:38 p.m. - Defendant Jessica Gilbert's closing argument presented by John Birdsall.
2:21 p.m. - Court recesses.
2:31 p.m. - Court resumes.
2:31 p.m. - Jury present.
2:31 p.m. - Defendant Jessica Hensen's (Weinhart) closing argument presented by Leonard Kachinsky.
3:00 p.m. - Government's rebuttal presented by AUSA Humble.
3:21 p.m. - The Court provides final jury instructions.
3:26 p.m. - Alternates chosen.
3:27 p.m. - Court Security Officer sworn.
3:29 p.m. - Jury excused to deliberate.
3:30 p.m. - The Court and parties discuss exhibits. Parties concur that jury can ask for specific exhibits and they will be sent in upon request.
4:43 p.m. - Court resumes.
4:43 p.m. - The jury has reached a verdict.
4:43 p.m. - Jury present.
4:43 p.m. - The Court reads the verdicts as to each defendant.
Jason Schultz- Verdict: Guilty; Questions : 1. Yes 2. Yes
Jessica Gilbert - Verdict: Guilty; Questions: 1. Yes 2. Yes
Jessica Hensen(Weinhart) - Verdict: Guilty; Questions: 1. Yes 2. Yes
4:47 p.m. - Jury polled.
4:48 p.m. - Jury excused.
4:49 p.m. - Court directs clerk to enter judgment upon the verdict.
4:50 p.m. - Parties waive time limits under Rule 32 relating to the presentence report.
4:50 p.m. - Court schedules defendants for sentencing.
Jason Schultz January 27, 2015 at 10:30
Jessica Gilbert January 27, 2015 at 3:30
Jessica Hensen January 27, 2015 at 1:30
4:52 p.m. - Jury trial concluded.
